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Letter dated 18 December 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fifth report of Armenia submitted pursuant to paragraph 6 of resolution 1373 (2001), as well as the response of Armenia to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 12 December 2006 from the Permanent Representative of Armenia to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

Upon instructions from my Government, I have the honour to transmit the fifth report of the Government of Armenia to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism (see enclosure).

The Government of Armenia attaches great importance to its cooperation with the Committee and stands ready to provide the latter with any information that it may deem necessary.

(*Signed*) Armen **Martirosyan**
Ambassador
Permanent Representative

Enclosure

Fifth report of the Republic of Armenia to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Implementation Measures

Effectiveness in the protection of financial systems

1.1

Article 217.1 of the Criminal Code is applicable to financing of terrorist acts even if the funds in question were never utilized in the perpetration of the act, or even in cases where no attempt is ever made to perpetrate the act.

The noted article reads as follows: "The financing of terrorism - provision or collection of funds for committing terrorism". Thus, to qualify any act of collecting or providing funds as financing of terrorism it is only necessary to prove the existence of an aim (intent) of committing terrorism. So, perpetrating or attempt to perpetrate terrorism is not a necessary element in corpus delict of terrorism financing.

Furthermore, according to Article 33 (2) of the RA Criminal Code (*Completed and Unfinished Crime*) attempt to commit a crime and preparation of grave and particularly grave crimes are considered as non-accomplished crime.

According to part 3 of the same Article the liability for attempts to commit a crime and preparation of crime is foreseen under the same article of the Special Part of the Criminal Code as for completed crimes, referring to Articles 34 (*Attempt to Commit a Crime*) or 35 (*Preparation of Crime*) of the Code.

According to Article 34 of the Code as an attempt at a crime is considered the action (inaction) committed through direct wilfulness immediately aimed at the committal of crime, if the crime was not carried out for reasons beyond the person's control. And according to Article 35 preparation of a crime is the procurement of means or tools or their adaptation for committal of a direct willful crime, as well as willful creation of other conditions for committal of crime, if the crime was not accomplished for reasons beyond the person's control.

According to Article 19 (4) of the Code (*Types of Crime)* as grave crimes are considered those willful acts for which the Code envisages punishment as maximum not exceeding ten years of imprisonment. And according to Part 5 of the same Article Particularly grave crimes are those willful acts for which the Code envisages imprisonment for more than ten years or for life maximum.

From Parts 4 and 5 of Article 19 of the Criminal Code it follows that the act prescribed by Part 1 of Article 217' of the Code (*Financing of Terrorism*) is considered as grave crime, and the act prescribed by Part 2 of the same Article- as particularly grave crime.

It follows from the aforementioned that for financing of terrorism, prescribed by Article 217' of the Criminal Code: for an attempt of allocation or collection of financial resources for execution of a terrorist act or an attempt of crime preparation the person(s) is(are) subject to criminal liability irrespective of the fact if those financial assets were ever used for financing of terrorist act or not, or the fact whether there was an attempt to perpetrate a terrorist act or not.

Certain exceptions from this rule are foreseen under Article 36, which appears as follows:

1. Voluntary refusal is the termination by the person of preparation or termination of action (inaction) directly aimed at the committal of crime, when the person realized the possibility of completion of the crime.
2. The person who refused to complete the crime is not subject to criminal liability, unless his actually committed act contains other elements of crime.
3. If the organizer of the crime, the abettor or helper voluntarily refuse from committing an act of crime, they are not subject to criminal liability, provided this person informed the state bodies or through other means and prevented the completion of the crime by the perpetrator.
4. If the actions mentioned in part 3 of this Article did not prevent the committal of the crime by the perpetrator, then, when sentencing, these actions can serve as circumstances mitigating the liability and the sentence.

1.2

The Law on Fight against Legalization of Illegal Income and Financing of Terrorism (hereinafter – the AML/CFT law) with its Article 3 defines the offence of money-laundering (laundering of illicit proceeds).

Acts aimed at money-laundering, which include exchange or transfer of property obtained as a result of a crime, concealment of the actual source of the origin of the property, concealment of the placement, the movement or the right over the property are criminalized under Article 190 of the Criminal Code which reads as follows:

Article 190. Legitimizing (legalizing) illegally obtained income.

1. Financial or other transactions with obviously illegally obtained financial resources or other property for the purpose of using such funds or property for entrepreneurial or other economic activity, to conceal or distort the essence, origin and whereabouts of these assets or rights pertaining to them, their placement, movement or actual identity, is punished with a fine in the amount of 300 to 500 times the minimum monthly wage, or with imprisonment for the term of up to 4 years with or without a fine in the amount of 50 times the minimum monthly wage.

2. The same action if committed:

1) using large amounts,

2) by a group upon prior agreement

is punished by imprisonment for the term of 4 to 8 years, with or without property confiscation.

3. The action envisaged in part 1 or 2 of this Article which was committed:

1.using particularly large amounts,
2. by an organized group,

3)and through abuse of official position,

is punished with imprisonment for the term of 6 to 12 years, with or without property confiscation.

4. For the purposes of this Article, by large amounts we mean an amount (value) exceeding 1000 times the minimum monthly wage, while particularly large amount exceeds 3000 times the minimum monthly wage.

1.3

According to Article 10 of AML/CFT law the Central Bank is the authorized body of the Fight against Legalizing the Illegal Income and Financing of Terrorism. The Central Bank (CBA) performs obligatory supervision of the process of information submission, analyzes the information on suspicious transactions provided by authorities involved in reports' submission and in case of suspect on Legalizing the Illegal Income and Financing of Terrorism, as well as of an attempt to it, the Bank informs the appropriate Body implementing criminal persecution in order to take measures prescribed by the law. The Central Bank is entitled to suspend or terminate any transaction of the account. Article 18 of the AML/CFT law sets: "The reporting persons, on the basis of the decision of the Central Bank, shall suspend or terminate transactions with those accounts which are suspected in turnover of illicit proceeds and financing of terrorism". Thus, the Board of the Central Bank implements a practice of suspending or terminating any transaction with an account suspected in money-laundering.

The issue of freezing accounts suspected in turnover of Illegal assets and terrorism financing is regulated also by Articles 232-234 of the RA Criminal Procedure Code, which enables to arrest (freeze) promptly those financial assets, irrespective of their origin, which belong to persons linked to terrorist activities.

Article 233 (2) of the Criminal Procedure Code envisages those authorized bodies upon the decree of which arrest (freezing) is applied to the financial assets (and other property). The

investigating body, the investigator and the prosecutor appear as such authorities. Moreover, such a decree should specify the property subject to arrest.

1.4

Financial institutions are required to prevent terrorist financing and money-laundering by the AML/CFT law. This law sets the following relevant provisions:
- the list of reporting financial institutions (Article 3);
- reporting requirement of financial institutions about the threshold and suspicious transactions (Article 6, 7);
- client identification standards for financial institutions (Article 9);
- liability of financial institutions to suspend or terminate suspicious transactions, etc.

The Law on the Payment and Settlement Systems and Payment and Settlement Organizations (PSS/PSO) stipulates the order and conditions of supervision over the payment and settlement systems (PSS) and the payment and settlement organizations (PSO).

According to Article 13 of the abovementioned Law the Central Bank shall carry out supervision of PSS and of PSS participants' activities within the territory of the Republic of Armenia. The Central Bank is entitled to require both from the parties of Armenian and foreign payments systems to submit information concerning the providing of payment services, even if that information contains a bank, trade or other related secret. The Central Bank performs that control through the reports submitted by the above-mentioned PS parties and through inspections held in place.

Furthermore, Article 16 of the Law stipulates that the Armenian PSS operator shall release information on PSS activities, as per form and frequency established by CBA Board.

The PS organizations in order and terms stipulated by the CBA Board shall make financial reports stipulated by Laws and Legal Acts of the Republic of Armenia, as well as other reports stipulated by the CBA Board, shall further release such reports and submit them to the CBA. The implementation of the aforementioned requirements is aimed at prevention of terrorism financing and money-laundering.

Every year the activities of a PS organization carried out in the PS field are reviewed by an independent auditing organization entitled to carry out auditing activities. For infringement of laws or other legal acts the Central Bank may apply liability measures towards the PS organization, up to the suspension of validity of license or revocation of license (Article 27).

For the violation of the rules of accounting treatment, the procedure and terms and conditions for presentation and release of financial accounts and/or other information, as well as for indicating false or inaccurate data in the documents mentioned above, the CBA shall issue warning and assignment to remedy the infringement.

According to Article 27 (4) of the PSS/PSO Law, CBA may withdraw certificate of qualification from managers of PSO, in particular if they:
- have infringed the provisions of the Law and other legal acts or the principles of operation of PSO;
- have taken action, ensuing from personal interest that runs into conflict with the interest of their customers.

1.5

The AML/CFT law includes Notaries in the list of reporting entities (Article 3). The Board of the Central Bank by its decision No 143 of 28.03.2006 confirmed the reporting form, order and terms for Notaries regarding threshold and suspicious transactions. This decision passed for the registration in the Ministry of Justice. The regime of reporting and identifying the suspicion by the Notaries has been activated starting June 2006.

Furthermore, Article 5 (1) of the RA Law on Notary Public of December 4, 2001 was amended by the following provision:
"The Notary Public is obliged to keep in secret the information disclosed to him from the documents ratified or confirmed by him. This obligation shall be maintained after the Notary's discharge as well, except for the cases prescribed by the Law on Fight against Legalization of Illegal Income and Financing of Terrorism".

The same Article was also amended with Point 9: *in cases and order prescribed by the AML/CFT Law the Notary Public is obliged to submit information to the CBA.*
Article 23 (1) was changed and Point 6 was amended:
6). *"Ensure the implementation of the requirements prescribed by the Law on Fight Against Legalization of Illegal Income and Financing of Terrorism of the Republic of Armenia".*

1.6

The Financial Observations (Monitoring) Center (hereinafter - FMC) has similar responsibilities prescribed in Chapter 3, Article 10 of the AML/CFT Law. So, as a national financial intelligence unit, the FMC is responsible to receive, analyze and disseminate the information and disclosures set by the Law.

The FMC, via the Central Bank's Board decision, may without undue delay suspend or terminate any current or future transactions suspected of illegal activity with the aim to freeze funds that are subject to those transactions.

The FMC is already functioning: outlines for reports were worked out, confirmed and submitted to the accountable organizations which periodically submit reports. Required information data is collected with the purpose to analyse transactions performed in large amounts and to increase the efficiency of detecting suspicious transactions. Preparation works are held to sign inter-institutional agreements among all stakeholders to provide effective cooperation between them.

1.7

With the Law HO-57-N of December14, 2004 the Criminal Procedure Code was amended by Chapter 54' which regulates relationships referring to legal assistance on criminal issues in the absence of international treaties.

Article 482 (1) of the above-mentioned Code stipulates that in case of absence of international agreements on legal assistance in the field of implementation of judicial actions on criminal matters between the Republic of Armenia and a foreign state, legal assistance on criminal matters on the basis of reciprocity between the authorized bodies and officials of the given state and Armenian court, prosecutors, investigators, investigating bodies may be rendered in exceptional cases: in accordance with the agreement on rendering mutual legal assistance on criminal matters on the basis of reciprocity obtained via diplomatic channels. The agreement should be previously agreed upon with:

1. The Ministry of Justice of the Republic of Armenia: with regard to performing judicial actions on criminal cases in trial and implementing the verdict.
2. The General Prosecutor's Office: with regard to performing judicial actions on cases in pre-trial process.

Part 2 of the same Article stipulates that in order prescribed by Part 1 of the same Article contacts and mutual legal assistance between the authorized bodies of the given foreign country and the court, the prosecutor, the investigator and the investigating body of the Republic of Armenia is carried out until signing an international agreement on the relevant issue or until becoming a party of a valid multi-lateral international agreement on mutual assistance in criminal matters simultaneously by the Republic of Armenia and the given foreign country, if the Republic of Armenia or the foreign country have not earlier annulled via diplomatic channels the obtained agreement on rendering legal assistance in criminal matters unilaterally or through a bilateral agreement.

Regarding the question whether Armenia acts upon requests from other countries to freeze funds and properties on the basis of reciprocity, it should be mentioned that the principle in question in the absence of international agreements will be applicable in accordance with the agreement obtained via diplomatic channels on mutual assistance on the basis of reciprocity between a foreign country and the Republic of Armenia, which is prescribed by Article 482 (1) of the Criminal Code. Armenia has not signed such an agreement with a foreign country yet.

It means, that in case of a request from a foreign state the issues of freezing financial assets and other property shall be regulated by the legislation of the Republic of Armenia. At the same time Article 55 of the RA Criminal Code relates not to the question of freezing of amounts and assets, but to the issue of property confiscation as a type of punishment assigned by the court. The Article reads as follows:

Article 55. Confiscation of property.

1. Confiscation of property is the enforced and uncompensated seizure of the property considered to be the convict's property or part thereof in favor of the state.
2. The amount of confiscation is determined by the court, taking into consideration the damage to property inflicted by the crime, as well as amount of criminally acquired property. The amount of confiscation can not exceed the amount of criminally acquired property or profit.
3. Confiscation of property can be assigned in cases envisaged in the Special Part of this Code and for grave and particularly grave crimes committed with mercenary motives.
4. The property necessary for the convict or the persons under his care is not subject to confiscation, in accordance with the list envisaged by law.

1.8

The Law on the System of Payments and Payment Organizations does not contain regulation and registration requirements for foreign exchange bureaus. Foreign exchange bureaus are registered and function in accordance with the Regulation 10 of the Board of the Central Bank.

Foreign exchange bureaus are also included in the list of reporting entities provided by the AML/CFT law. The reporting regime for the foreign exchange bureaus is set by 17.01.2006 No 25 Board decision of the Central Bank and is already in action.

1.9

The Charity Programs Coordination Commission attached to the RA Government is authorised to regulate the relationships arising during the implementation of charity activities. The activities of the Commission are regulated by the Law on Charity of November 14, 2002; by the "Statute of the Charity Programs Coordination Commission of the Government of The Republic of Armenia" confirmed with the Government Decree No 66-N of January 16, 2003; and by the "Order of Registering and Determining Charity Programmes as such".

The twenty-seven members of the Commission are appointed by the Decree of the Prime Minister of the Republic of Armenia, involving one member from the seventeen ministries and state institutions, as well as ten representatives from different charity and public organizations.

Those entities and individual philanthropists who submit an application to the Commission to receive taxation privileges while implementing their programs, in accordance with the above-mentioned order, shall submit their statute and state registration certificate which confirms the fact of being registered in the Ministry of Justice. After that each application shall be discussed with the ministries and institutions relevant to the specific field of the program to be carried out, moreover the conclusion of the Ministry of Finance and Economy is compulsory.

Furthermore, the process and the completion of any program granted with taxation privilege is supervised through comprehensive reports (information) quarterly submitted to the Committee.

Referring to registration requirements and auditing processes of charitable, cultural and religious organizations it should be mentioned that proceeding from organizational-legal aspect charitable and cultural organizations are registered as foundations or NGO-s in the State Register of Legal Entities, yet the religious organizations in order prescribed by law are registered as legal entities of separate organizational-legal form. State registration requirements and auditing processes are reflected in the laws of the Republic of Armenia in the following way:

- In Article 21 (1)(E) of the law on State Registration.

Article 21: Documents required for the purpose of State Registration
1. For the purpose of state registration the following documents shall be submitted by legal entities:
e) The information submitting persons prescribed by the Law on Fight against Legalization of Illegal Income and Financing of Terrorism shall submit a declaration on the legality of the property issued to the legal entity or invested in the statutory or share-collect capital of the latter indicating the consistence, quantity and sources of origin if the value of the issued property exceeds 25 million drams.

After receiving the declaration stipulated in the current point the local sub-division of the State Registration Body in a three-day period shall submit its copy with an ordered letter to the Central Bank of the Republic of Armenia.

In Article 12(2)(6) of the Law on Public Organizations.

Article 12: State Registration of an Organization.
For state registration the organization shall submit the following documents to the state registration body:
6) The information submitting persons prescribed by the Law on Fight against Legalization of Illegal Income and Financing of Terrorism shall submit also a declaration on the legality of the property issued to the legal entity indicating the consistence, quantity, and sources of origin if the value of the issued property exceeds 25 million drams.

After receiving the declaration stipulated in the current point the local sub-division of the State Registration Body shall submit in a three-day period its copy with an ordered letter to the Central Bank of the Republic of Armenia.

In Article 18 (3) of the Law on Public Organizations.
Article 18
Supervision of Organization's Activities.
The State authorized body, and also other state bodies as stipulated by law, shall supervise the compliance of organization's activities with the law, according to the scope of their authority and to the procedures envisaged by law for their inspections and observations.

In Articles 38 (1), 38 (3) and in article 39 of the Law on Foundations.

Article 38. Supervision of Foundation's Activities.
The State authorized body, and in cases stipulated by law also other state bodies, shall supervise the compliance of foundation's activities with the current law, according to the scope of their authority and to the procedures envisaged by law for their inspections and observations.

The foundations after releasing the report stipulated by Article 39 of the current law, within a 15-day period shall notify in a written form the Ministry of Justice of the Republic of Armenia. In case of imperfect release of the report in the determined period the Ministry of Justice shall send to the foundation a written warning suggesting to remedy the infringement in a one-month period.

In case of not releasing the report in the prescribed period or not complying with the requirements of the warning, the Ministry of Justice of the Republic of Armenia may apply to the Court with a request to abolish the Foundation.

Article 39. Publicity of the Foundation's Activities
In a six-month period successive to the end of each financial year the foundation is obliged to make public a report containing information on state registration of legal entities as follows:
1) a report on its activities. The report shall include information on the realized projects, financing sources, overall amount of resources used during the financial year and the part of administrative expenses in it, on the use of the property, names and family names of the members of the trusteeship council, manager and persons involved in the staff of the foundation, if they have used the assets or the services of the foundation during the year under review.

2.) Its annual financial reports.

3.) The conclusion of the person implementing audit (auditor) of financial reports, if the value of the assets of the foundation exceeds ten million drams.

In Article 15 of the Law on Religious Organizations
Article 15
The Bylaws of a Religious Organization shall provide information on the following: the nature and areas of activities; administrative structure; places of worship and ritual objects; initiation of activities; intention of establishing educational and publishing facilities; disposition of assets in case of dissolution and make further provisions for any special needs of the Organization.

Effectiveness of controls preventing access to weapons by terrorists

1.10

The issues related to licensing of the production and acquisition of firearms are regulated by the provisions of the Law on Arms, Law on Licensing, Order of Licensing of Firearms Production and other normative legal acts.

According to Article 9 of the Law on Arms production, trade, acquisition collection or exhibition of firearms in the territory of the Republic of Armenia are subject to licensing, excluding the cases of production and acquisition of firearms by state military organizations (such as the Ministry of Defence, the Police, the National Security Service, the National Courier Service).

The license for the firearms production is issued by the Government of RA, yet the licenses for trade, acquisition, collection or exhibition of firearms are issued by the Police. The local bodies of the police also may issue licenses for firearms acquisition (except for the rifled arms, gas pistols and drum revolver).

The chart of activities subject to licensing mentioned in Article 43 (2) of the Law on Licensing involves also the production and acquisition of firearms. The licensing body for the production of firearms is the Government of the Republic of Armenia, yet the licensing body for the acquisition of firearms is the state governing body(s) authorised by the Government.

In the legislative field of the Republic of Armenia the issues of licensing of firearms production are regulated in detail by the provisions of the order on licensing of firearms production, confirmed by the Government Decision No 2048-N of December 5, 2002 on "the Confirmation of the Order on Firearms Production in the Republic of Armenia". According to the sub-point 1.1 of the aforementioned decision the Police is authorized by the RA Government to issue licenses for the production of civilian and service arms, yet the Ministry of Defence of the Republic of Armenia is authorised to issue licenses for the production of military arms.

1.11

The RA Police implements permanent control over the system of permission for production, possession or utilization of explosive, toxic and radioactive substances. Joint preventive and operation-investigative actions are periodically performed in order to counter the illicit circulation of firearms and ammunition and explosive substances.

Effectiveness of international cooperation in criminal matters

1.12

In accordance with the Council of Ministers of Interior Affairs of CIS countries as well as with the Collective Security Treaty Organization's (CSTO) joint action plans on counter- terrorism

envisaged by CSTO interstate plans, the Police of the Republic of Armenia performs operational-investigative actions aimed at preventing terrorist acts, blocking terrorism financing resources and counteracting illegal circulation of arms and ammunition and explosive substances. The RA Police in cooperation with other law enforcement authorities and state bodies implements complex legal and organizational activities to prevent possible terrorist acts as well as to detect persons under investigation who committed or financed a terrorist act. Significant attention is paid to the question of preventing the society from the ideologies of terrorist organizations.

The Interpol National Central Bureau in Armenia makes use of all the information systems and databases of the Interpol General Secretariat including terrorism-related databases. In particular, the INCB possesses databases on terrorists and terrorist organizations; informative-analytical materials on terrorism financing are provided; Interpol and UN joint cards concerning the members of Al Qaida and the Taliban are released as well as orange cards concerning the methods and techniques used by terrorists. The NCB also uses the lists of individuals and entities associated with Al-Qaida and the Taliban released by the Security Council Committee established pursuant to resolution 1267 (1999).

Information exchange concerning members of terrorist organizations and groups is arranged via the RA INCB as well as among the appropriate services of the CIS member states.

The RA Police conducts activities to create a common information database concerning the terrorist organizations acting in the CIS countries.

1.13

The principle of reciprocity on the issues relating to the implementation of extradition of persons is applied in case of existing international agreements in order and on conditions prescribed by such agreements.

Effectiveness of customs, immigration and border control

1.14

There is 10 000 USD limit for exporting cash across the borders of Armenia, but there is no limitation on importing foreign currency into Armenia. This implies that it is not possible to use Armenia as a transit zone for cash transfer: i. e. to transfer cash from foreign country A to Foreign country B through Armenia. Money should somehow appear in the formal financial sector to get out from Armenia. As far as there is a very broad list of AML/CFT reporting entities and those pay serious attention to identifying, as the Central Bank requires them to report such cases to FIU (FMC), it seems definite that a preventive mechanism is in place to stop illegal money transfer across the boarders of Armenia.

Moreover, the Deputy Head of Customs Committee is a member of the Intergovernmental Committee for AML/CFT, and the institution is well aware of all the consequences and about Special Recommendation 9.

1.15

There is no system of information exchange between the customs and immigration authorities, however every quarter the customs authorities submit information on the import and export transactions performed by **natural** persons to the social security bodies. Such information may be submitted also to the immigration authorities and used by them.

The officials of the immigration authorities are present at all border checkpoints and if necessary they cooperate with the representatives of border, police, security and other authorised bodies.

1.16

The import and export of firearms and bullets are regulated in accordance with the provisions of the Law on Arms. According to Article 17 of the aforementioned law the import and export of military arms and their bullets is performed in order stipulated by the RA Government.

The provisions of the same law prescribe also that import of firearms and bullets may be performed by the supplying legal entities, and the export of firearms- by the legal entities holding licenses for manufacturing of firearms. Import and export of firearms by other entities is regulated in the order prescribed by the RA Government.
Supervision instruments have been created in the field of export of goods and technologies of double-use.

With the purpose to implement the requirements of the RA Law on Supervision of Export and Transit Movement in the Territory of the Republic of Armenia of Goods and Technologies of Double-Use, in accordance with Article 7(3) of the mentioned law the Government Decision No 212-N of February 19, 2004 confirmed the statute of the Commission on Regulation of Export and Transit Movement of Goods and Technologies of Double-Use; the personal staff of the commission has been confirmed as well.

The commission was created with the purpose to ensure the activities and efficient cooperation of state bodies in the field of export control and the organizational-methodological management of the works of export control. It involves quite broad functions, including matters of issuing, rejecting or suspending the already granted permission for export of controlled goods in the cases prescribed by law.

The Republican Military-Technical Commission holds certain powers in the field of Firearms import and export. According to Part 2 (4)(6) of the statute of the Republican Military-Technical Commission verified by the Government Decision No 214-N of February 20, 2003 the Commission in prescribed order makes recommendations concerning the permission of export

and import of arms, ammunition, and other goods and works (including temporary) of military use.

The import and export of goods and vehicles in the customs territory of the Republic of Armenia may be prohibited in cases prescribed by the Customs Code or other legal acts. The Government Decision No 902 of 31 December 2000 (with the edition of the Government Decision No 265 of 31 March 2001) stipulates that transportation of military arms and their ammunition, spare parts and accessories, as well as of the goods classified in the sub-group No. 8710 of the list of goods of external economic activities (tanks and other military armoured cars with or without ammunition, their spare parts or accessories) and No. 9306 (bombs, grenades, torpedoes, mines, missiles and such means of military operations, their spare parts, bullets, other ammunition, arrows and their spare parts), of drugs and narcotic substances controlled in the territory of the Republic of Armenia nuclear substances is performed in the special order prescribed by the Government of the Republic of Armenia.

Currently the Law on Narcotic Drugs and Psychotropic Substances, adopted by the National Assembly on December 26, 2002 is in force. The Law regulates the relationships of import and export of narcotic drugs and psychotropic substances. It should be mentioned that import and export of narcotic drugs is considered as a type of activity subject to licensing. The RA Government adopted the order of licensing of the aforementioned type of activity in compliance with the requirements of the Law on Licensing. Currently the National Assembly adopted with the first reading the relevant draft law, which also regulates the relationships linked to the circulation of narcotic substances.

1.17

The ministries and institutions operating in the territory of the Republic of Armenia equipped with their local computer networks and information databases are not interlinked and do not have monitoring facilities to observe and control information concerning illegal immigration, human trafficking and laundering of incomes obtained as a result of organized criminal activities.

The RA Police worked out and implemented a communication system to perform the monitoring of the aforementioned crimes. The system functions in a real time regime and has been installed at Zvartnots Airport since 2000 as well as at several border checkpoints. Specific activities are carried out to create a common information database in the above-mentioned system.

Certain activities are conducted to increase the level of identity documents' protection. New passport blanks were introduced in 2001, which incorporate about six types of modern protection methods. Since 1998 passport blanks to be issued to minors have been introduced which are categorized by age: from 1 to 3 years old, from 7 to 12 and from 12 to 16 years old.

A new form of entry visas with more modern and effective protection methods was introduced in Armenia in 2003. It should be outlined that the common information database for border

checkpoints contains also information on the persons whose entry to the CIS countries is prohibited; the total computerization of the database is provided by the information system "Visa RA" of the Ministry of Foreign Affairs of the Republic of Armenia.

1.18

The law on the Status of Foreign Citizens in the Republic of Armenia lays down the provisions for entry, residence, movement, transit, exit, acquisition of resident status by a foreign citizen in the Republic of Armenia, and his rights and duties in the Republic of Armenia. Article 32 of the Law reads as follows:

Article 32. Administrative Expulsion of Foreign Citizens from the Republic of Armenia

A foreign citizen may be expelled from the Republic of Armenia in administrative order if his activity threatens the national security of the Republic of Armenia, the public order and welfare, rights and freedoms of citizens, as well as in other cases specified in the legislation of the Republic of Armenia.

Article 33. The Procedure for Administrative Expulsion of Foreign Citizens from the Republic of Armenia

A decision on administrative expulsion of a foreign citizen, except for the foreign citizens who have exclusive resident status, shall be passed by the Minister of Foreign Affairs, on the basis of an opinion rendered by the commission formed by the latter. A representative of the state, who is to defend the interests of the foreign citizen, may be present at the commission's meeting.

A decision on administrative expulsion of a foreign citizen who enjoys exclusive resident status shall be passed by the Minister of Foreign Affairs of the Republic of Armenia in accordance with procedure set forth by the Government of the Republic of Armenia.

The decision on administrative expulsion may be appealed against within seven days to the Prime Minister of the Republic of Armenia by the foreign citizen to be expelled or by a representative of the state who defends his interests. The Prime Minister of the Republic of Armenia shall notify the appellant about his decision within one month.

The foreign citizen, who has been expelled in administrative order, may return only upon permission of the Minister of Internal Affairs of the Republic of Armenia or (if that foreign citizen has exclusive resident status) of the Minister of Foreign Affairs.

Implementation of resolution 1624 (2005)

2.1

The provision stipulated by Article 39(2) of the Criminal Code appears as a legislative measure to prevent cases of incitement to commit terrorist acts. According to the aforementioned provision the abettor is subject to liability under the article which envisages the committed crime, referring to Article 38 of the Code. There is no reference to Article 38 if the abettor appeared simultaneously as a co-perpetrator of the crime. Therefore, incitement to commit a terrorist act is considered as a crime and the abettor bears liability for terrorism.

2.2

The legal basis for denial of safe haven to any person is stipulated in the Law of the Republic of Armenia on Political Asylum. Article 6 of the mentioned law stipulates that the application for being granted political asylum in the RA may be rejected if it turns out that the applicant is prosecuted by the legitimate state body of the RA for the crime within its territory or against it, or if there is no persecution against him/her in his/her country of citizenship or permanent residence, or he/she is prosecuted by that state for the conduct of an act exclusively generating criminal responsibility or for other violation made.

2.3

With the assistance of a number of International Organizations the Government of the Republic of Armenia has taken measures to implement an information system at the border checkpoints of the Republic of Armenia to register the persons and vehicles entering and leaving the country. At present the system operates at Zvartnots, Meghri and Bagratashen border checkpoints. Certain measures have been taken to implement the system in other RA border checkpoints as well. The data referring to the members of terrorist groups, persons involved in terrorist activities received from relevant authorities of foreign countries, counter-terrorism centres and International Legal organizations is recorded in the aforementioned information systems. This method allows to detect and prevent the entry to Armenia of persons linked to terrorist activities.

2.5

Article 226 of the RA Criminal Code lays down liability for the incitement of national, racial or religious intolerance. The Article in question reads as follows:

Article 226. Inciting national, racial or religious hatred.

1. Actions aimed at the incitement of national, racial or religious hatred, racial superiority or humiliation of national dignity, are punished with a fine in the amount of 200 to 500 minimal salaries, or with correctional labor for up to 2 years, or with imprisonment for the term of 2-4 years.

2. The actions envisaged in part 1 of this Article committed:

1) publicly or by mass media, with violence or threat of violence;

2) by abuse of official position;

3) by an organized group, are punished with imprisonment for the term of 3 to 6 years.